

REMARKS

Applicants thank the Examiner for acknowledging the previously-filed Information Disclosure Statements.

In response to the Office Action mailed September 2, 2008, Applicants request reconsideration based on the amendments herein and at least the following remarks. Applicants respectfully submit that the claims as presented herein are in condition for allowance.

Claims 1-43 are pending in the present application. Claims 1, 2, 4, 8, 10, 14, 17-18, 21-25, 28, 32-35 and 43 have been amended.

No new matter has been added by the amendments. Specifically, support for the amendments can be found at least in the specification and drawings as filed, as discussed in further detail below.

Applicants respectfully request reconsideration of claims 1-43 based upon the amendments and at least the following remarks.

Abstract

The Examiner has objected to the abstract of the disclosure for being in excess of 150 words.

It is respectfully noted that the abstract of the disclosure has been amended to contain less than 150 words, as indicated by the amendments to the abstract of the disclosure above. No new matter has been added.

Thus, it is respectfully requested that the objection to the abstract of the disclosure be withdrawn.

Specification - Detailed Description

The Examiner has objected to the specification. Specifically, the Examiner states that the terms “a user-programmable triggering mechanism” of claim 1 and “a self description mechanism” of claim 10 are not found in the specification.

Applicants respectfully note that claim 1 has been amended to recite “a triggering algorithm”, which finds support at least at paragraph [0028] of the Detailed

Description, while claim 10 has been amended to remove the term “a self description mechanism” therefrom.

Thus, it is respectfully requested that the objection to the specification be withdrawn.

Drawings

The Examiner has objected to the Drawings as failing to be designated by a legend such as --Prior Art—because only that which is old is allegedly illustrated in FIG. 1. The Examiner has stated that corrected Drawing sheets in compliance with 37 CFR 1.121(d) and 37 CFR 1.84(c) is required in reply to the Office Action to avoid abandonment of the application.

Applicants respectfully note that more than that which is old is illustrated in FIG. 1. Instead, most of what is illustrated in FIG. 1 is “not old”. Specifically, the only “prior art” in FIG. 1 is the “Traditional DFR/SOE Recorder” (22), which is shown in phantom lines (i.e., dashed lines) in FIG. 1. Moreover, this is clearly noted in the specification, such as at paragraph [0016] (“[t]he prior art discussed above includes a traditional digital fault recorder (DFR) and sequence of events (SOE) recorder 22 (shown with phantom lines [in FIG. 1])...”); paragraph [0023] (“[u]nlike the traditional DFR/SOE recorders 22...”); and at paragraph [0038] (“[e]xisting DFR and SER recorders 22 support...”)(emphasis added to all).

Accordingly, Applicants have not amended FIG. 1 to include a “prior art” label, since FIG. 1 illustrates more than just that which is old.

Therefore, it is respectfully requested that the objection to the drawings be withdrawn.

Claim Objections

Claims 1 and 43 stand objected to for informalities. Specifically, the Examiner states that claims 1 and 43 should include the terms “the plurality of analog output signals” in place of “the analog output signals”. In addition, the Examiner states that “data packets” should be “incoming data packets” in claims 1 and 43 to

provide proper antecedent basis therefore, thereby overcoming the 35 USC § 112, second paragraph rejection, discussed below. Further, the Examiner states that it is not clear whether the incoming analog signals are the received analog signals or the sampled and digitized analog signals.

It is respectfully noted that claims 1 and 43 have been amended to recite the terms “the plurality of analog output signals” in place of “the analog output signals”, as well as to recite “incoming data packets” instead of data packets”. In addition, claims 1 and 43 have been further amended to disclose that the incoming analog signals are “digitized analog signals”. Applicants further respectfully note that other informalities have been amended throughout the claims, such as for amending to recite “the plurality of ON/OFF status signals,” in claims 1 and 43, for example.

Therefore, it is respectfully requested that the objection to claims 1 and 43 be withdrawn.

Claim 43 stands objected to due to the phrase “configured for”. Applicant respectfully notes that claim 43 has been amended to recite the phrase “configured to perform the steps of”, as suggested by the Examiner. Therefore, it is respectfully requested that the objection to claim 43 be withdrawn.

Claims 34 and 35 stand objected to due because the phrase “the analog” should be “the plurality of analog output signals”. Applicant respectfully notes that claims 34 and 35 have been amended to recite the phrase “the plurality of analog output signals”, as suggested by the Examiner. Therefore, it is respectfully requested that the objection to claims 34 and 35 be withdrawn.

Claims 21, 22, 24 and 25 stand objected to because the phrase “the removable memory medium” should be “the removable memory storage medium”. Applicant respectfully notes that claims 21, 22, 24 and 25 have been amended to recite the phrase “the removable memory storage medium”, as suggested by the Examiner.

Therefore, it is respectfully requested that the objection to claims 21, 22, 24 and 25 be withdrawn.

Claim 23 stands objected to due to the phrase “the memory medium”, which should be “the memory storage medium”. Applicant respectfully notes that claim 23 has been amended to recite “the memory storage medium”, as suggested by the Examiner. Therefore, it is respectfully requested that the objection to claim 23 be withdrawn.

Claim 28 stands objected to because the phrase “absent electrical wires an internal power source” should be “absent electrical wires and an internal power source”. Applicant respectfully notes that claim 28 has been amended to recite the phrase “absent electrical wires and an internal power source”, as suggested by the Examiner. Therefore, it is respectfully requested that the objection to claim 28 be withdrawn.

Claim 32 stands objected to due because the phrase “the device” should be “the hosting device”. Applicant respectfully notes that claim 32 has been amended to recite the phrase “the hosting device”, as suggested by the Examiner. Therefore, it is respectfully requested that the objection to claim 32 be withdrawn.

Claim Rejections Under 35 U.S.C. §112

Claims 1-43 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention.

The Examiner states that claims 1, 3, 6, 16, 17 and 43 recite the limitation “the incoming data packets,” rendering these claims indefinite for lack of antecedent basis. It is respectfully noted that claims 1 and 43 have been amended to introduce the limitation as “incoming data packets”, as suggested by the Examiner with respect to

the claim objections, above, thereby providing sufficient antecedent basis throughout claims 1, 3, 6, 16, 17 and 43.

The Examiner further states that claim 14 recites the limitation “the wireless communication medium”, and that there is insufficient antecedent basis for this limitation. It is respectfully noted that claim 14 has been amended to introduce the limitation “a wireless communication medium”, thereby providing sufficient antecedent basis for the limitation.

The Examiner further states that claim 17 recites the limitation “the monitored incoming data packets”, and that there is insufficient antecedent basis for this limitation. It is respectfully noted that claim 17 has been amended to recite the limitation “the incoming data packets”, thereby providing sufficient antecedent basis therefor (provided in claim 1).

Claims 2-42 also stand rejected, because they depend from rejected base claim 1.

In light of the abovementioned amendments, it is respectfully requested that the above rejections to claims 1-43 under 35 U.S.C. § 112, second paragraph be withdrawn.

Claim Rejections Under 35 U.S.C. § 103

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Claims 1-12, 15-17 and 30-43 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Applicants' Admitted Prior Art (hereinafter “AAPA” in view of Zhang et al. (U.S. Patent No. 5,535,193, hereinafter “Zhang”), as

stated on pages 6-8 of the Office Action. Applicants respectfully traverse for at least the following reasons.

Regarding independent claims 1 and 43, the Examiner states that AAPA teaches all elements of those claims except “decoding and analyzing the content of the incoming data packets”, which the Examiner further states is disclosed by Zhang, primarily in columns 1, 3 and 4.

Applicants respectfully disagree with that AAPA teaches the method and apparatus of claims 1 and 43, as alleged on page 6 of the Office Action. Specifically, Applicants submit that, as discussed above with reference to the objection FIG. 1, the only “prior art” disclosed is the “TRADITIONAL DFR/SOE RECORDER 22”, shown in dashed lines in FIG. 1 and not included in any exemplary embodiments of the present invention. See also, e.g., paragraph [0017] of the application, stating “[a] communications based DFR/SOE recording device 30 replaces the traditional digital fault recorder (DFR) and sequence of events (SOE) recorder 22...” (emphasis added). Thus, FIG. 1 (without the traditional DFR/SOE Recorder 22) and FIGS. 2-3, in conjunction with respective associated portions of the specification and claims, represent the present invention, not AAPA. FIG. 2, in particular, illustrates an exemplary embodiment of a recording device 30 which, among other things, receives digitally encoded, communications-based information signals 46 from the substation protection and control communication network 24 via the packet acquisition unit (PAU) 44 for processing, as described at least in paragraphs [0018], [0023] and [0024] of the instant application, and disclosed in amended independent claims 1 and 43 herein. Such disclosure is clearly lacking in AAPA and Zhang. The prior art digital fault recorder (DFR) and sequence of events (SOE) recorder 22, for example, receives only analog voltage/current signals and “on/off” status signals directly from switches and/or protection and control devices connected thereto (see FIG. 1). Likewise, Zhang is silent as to both digitally encoded, communications-based information signals as well as any such signals being provided from the substation protection and control communication network 24, as in the present invention.

In addition, Applicants respectfully submit that Zhang fails to teach or suggest the deficiencies noted on page 7 of the Office Action and described above with respect to the alleged AAPA teachings. In particular, Applicants respectfully disagree that it would have been obvious to one of ordinary skill in the art at the time the invention was made to “modify AAPA’s prior art digital fault recorder (DFR) and sequence of events (SOE) recorder 22 to add Zhang’s TA [transmission analyzer] 36...because [to do so would] enable AAPA’s prior art DFR and SER device 22 to decode and analyze the digital data packets exchanged over appropriate communication channels”, as stated on page 8 of the Office Action. Specifically, as discussed above, the admitted prior art DFR and SER device 22 (which, importantly, is not a component of the present invention) neither does (nor can) receive digitally encoded, communications-based information signals, only analog and/or “on/off” signals. Thus, to combine the inventions of Zhang with AAPA, i.e., combining the transmission analyzer of Zhang with the prior art DFR and SER device 22, which utilizes signals incompatible with Zhang’s signal analyzer, would render the device of Zhang unsatisfactory for its intended purpose. Therefore there is no suggestion or motivation to make the proposed modification. (See, e.g., *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)).

Thus, Applicants respectfully submit that neither AAPA nor Zhang, alone or in combination, teach or suggest “receiving digitally encoded information signals as incoming data packets from a substation protection and control communication network via a communication port”, as recited in independent claims 1 and 43.

Therefore, it is respectfully requested that claims 1 and 43, including claims depending therefrom, i.e., claims 2-42, define over the cited references.

Accordingly, it is respectfully submitted that the rejection of claims 1-12, 15-17 and 30-43 under 35 U.S.C. § 103(a) be withdrawn.

Claims 13, 14, 18-25 and 29 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over AAPA in view of Zhang and in further view of Chattopadhyay (U.S. Pub. No. 2002/0103772, hereinafter “Chattopadhyay”), as stated

on pages 17-22 of the Office Action. Specifically, the Examiner states that AAPA in view of Zhang teaches all elements of the abovementioned claims except “the digitally encoded information signals are received via wireless port” (claims 13-14), “the memory storage medium is removable without disassembling the hosting device in which it is employed” (claim 18), “the record of the memory storage medium is preserved for access through a separate reading device” (claim 19), “the memory storage medium is removable and insertable with the hosting device being powered on” (claim 20), “the removable memory medium comprises two or more independent storage units” (claim 21), “a recording function of the hosting device are retained during removal and insertion of the removable memory medium” (claim 22), “the memory medium has no part thereof movable relative to any other part thereof” (claim 23), “the removable memory medium is encrypted and readable only after providing appropriate security information” (claim 24), or “the removable memory medium is internally tested upon insertion and before use thereof” (claims 25 and 29), which the Examiner further states is taught by Chattopadhyay, primarily at paragraphs [0006], [002]4, [0029] and [0038]. Applicants respectfully traverse for at least the following reasons.

Independent claim 1, from which claims 13, 14, 18-25 and 29 depend, is submitted as being allowable for defining over AAPA in view of Zhang, as discussed above.

Furthermore, it is respectfully submitted that “the digitally encoded information signals are received via wireless port” (claims 13-14), “the memory storage medium is removable without disassembling the hosting device in which it is employed” (claim 18), “the record of the memory storage medium is preserved for access through a separate reading device” (claim 19), “the memory storage medium is removable and insertable with the hosting device being powered on” (claim 20), “the removable memory medium comprises two or more independent storage units” (claim 21), “a recording function of the hosting device are retained during removal and insertion of the removable memory medium” (claim 22), “the memory medium has no part thereof movable relative to any other part thereof” (claim 23), “the removable

memory medium is encrypted and readable only after providing appropriate security information” (claim 24), or “the removable memory medium is internally tested upon insertion and before use thereof” (claims 25 and 29), as allegedly taught by Chattopadhyay, or any other disclosure of Chattopadhyay, does not cure the deficiencies noted above with respect to AAPA in view of Zhang.

Thus, Applicants respectfully submit that claims 13, 14, 18-25 and 29 of the present invention are patentable over the cited references.

Accordingly, it is respectfully submitted that the rejection of claims 13, 14, 18-25 and 29 under 35 U.S.C. § 103(a) be withdrawn.

Claims 26-28 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over AAPA in view of Zhang and in further view of Shima (U.S. Patent No. 5,808,587, hereinafter “Shima”), as stated on pages 22-23 of the Office Action. Specifically, the Examiner states that AAPA in view of Zhang teaches all elements of the abovementioned claims except “authentication procedures that utilize wireless access performed with a proximity card, the proximity card absent electrical wires and an internal power source”, which the Examiner further states is taught by Shima, primarily at FIG. 1 and column 1, lines 16-50. Applicants respectfully traverse for at least the following reasons.

Independent claim 1, from which claims 26-28 depend, is submitted as being allowable for defining over AAPA in view of Zhang, as discussed above.

Furthermore, it is respectfully submitted that “authentication procedures that utilize wireless access performed with a proximity card, the proximity card absent electrical wires and an internal power source” as allegedly taught by Shima, or any other disclosure of Shima, does not cure the deficiencies noted above with respect to AAPA in view of Zhang.

Thus, Applicants respectfully submit that claims 26-28 of the present invention are patentable over the cited references.

Accordingly, it is respectfully requested that the rejection of claims 26-28 under 35 U.S.C. § 103(a) be withdrawn.

Conclusion

In view of the foregoing remarks distinguishing the prior art of record, Applicants respectfully submit that this application is in condition for allowance. Early notification to this effect is requested. The Examiner is invited to contact Applicants' attorneys at the below-listed telephone number regarding this Amendment or otherwise regarding the present application in order to address any questions or remaining issues concerning the same. If there are any charges due in connection with this response, please charge them to Deposit Account 06-1130.

Respectfully submitted,

CANTOR COLBURN LLP

By: /Noah J. Hayward/
Noah J. Hayward
Registration No. 59,515
Cantor Colburn LLP
1800 Diagonal Rd, Ste 510
Alexandria, VA 22314
Telephone (703) 236-4500
Customer No. 23413

Date: October 31, 2008